

REMARKS

Claims 1, 3-6, 8-16, 19-21, 23, 24, and 27-29 remain in the application with claims 1, 3, 4, 6, 8, 6, 19-21, 23, and 28 having been amended hereby and claims 2, 5, 7, 17, 18, 22, 25, and 26 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 1, 5, 6, 11, 12, 16, 17, 19, 21, 25, and 26 under 35 USC 103, as being unpatentable over Yasuda et al. in view of Uemura.

Notice is respectfully taken of the indication that claims 2-4, 7, 8, 18, 20, 22, 23, and 28 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended hereby to include the allowable subject matter of claim 2. Claim 2 has been cancelled. Claim 6 has been amended hereby to include the allowable subject matter of claim 7. Claim 7 has been cancelled. Claim 16 has been amended hereby to include the allowable subject matter of claims 17 and 18. Claims 17 and 18 have been cancelled. Claim 21 has been amended hereby to include the allowable subject matter of claim 22. Claim 22 has been cancelled. In addition, claims 11, 12, 25, and 26 have also been cancelled.

Accordingly, it is respectfully submitted that claims 1, 5, 6, 16, 19, and 21 are patentably distinct over the cited references by reason of the inclusion therein of the allowable subject matter noted by the examiner.

In regard to claims 11 and 12, these claims recite the

inventive feature of controlling the drive speed of the disk based on a determination of whether initialization is required for the disk. Specifically, the disk is driven at a constant angular velocity or a constant linear velocity based on whether initialization is required.

On the other hand, Yasuda et al. reads a code (Philips code) previously recorded on the disc and moves the pickup device accordingly. When the pickup device has reached the program area on the disk the type of video disk, that is, constant angular velocity or constant linear velocity, is discriminated. There is not one word about determining whether the disk requires initialization.

Furthermore, the two-speed optical disk of Uemura clearly does not provide any reason to modify the Yasuda et al. system to take into account a determination as to whether the disk requires initialization.

Therefore, it is respectfully submitted that even combining selected features of Yasuda et al. and Uemura, as supposed by the examiner, the present invention as recited in amended claims 11 and 12 would not have been rendered obvious to one of ordinary skill in the art.

Notice is respectfully taken of the allowance of claims 9, 10, 13-15, 24, 27, and 29.

Therefore, by reason of the amendments made to the claims hereby to include allowable subject matter it is respectfully submitted that only allowable claims remain in this application.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Jay H. Maioli".

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